



IFW

Case: G&P1

IN THE UNITED STATES PATENT AND TRADE MARK
OFFICE

IN RE: Patent Application SN 10/727,584
FILED: 12/05/2003
TITLE: Hybrid Communication Terminal – Alarm System

Commissioner for Patents
United States Patent and Trademark Office
PO BOX 1450
Alexandria, VA 22313-1450

Attn: Derek L. Woods, Attorney
Office of Petitions

This is in response to the Office Letter mailed April 19, 2006. A copy of this Office Letter together with a copy of my Petition (dated December 20, 2005) to withdraw the holding of abandonment of the above identified application are enclosed for reference.

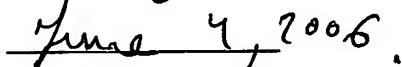
I attach a new Declaration prepared on Forms PTO/SB/1(10-05) and PTO/SB/02A(09-04). I believe that this new Declaration is in compliance with 37 CFR 1.63(b) (2).

The Office is requested to return the self addressed card to the sender, stamped with the date of receipt and filing of this Declaration.

Respectfully submitted,
By Marian Gavrila

Signature,

Date

**To: Mail Stop Missing Parts
Commissioner for Patents
P.O.Box 1450
Alexandria VA 22313-1450
USA**

**From: Marian Gavrila
535 Burleigh Private
Ottawa, ON K1J 1J9
Canada**

December 6, 2005

Dear Sir/Madam,

With regard to the Abandonment/Termination Letter, Confirmation No. 7347, dated 10/27/2005 related to the application 10/727584.

We would like to bring to your attention the following facts:

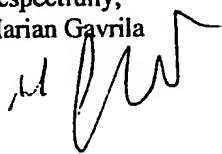
As requested in the Notice of Incomplete reply, dated 12/01/2004, we have submitted the \$65 Late Oath or Declaration Surcharge. The fee has been withdrawn, as detailed in the credit card bill on January 12, 2005. We considered this to be timely reply to your letter dated 12/01/2004 and that would prevent the abandonment of the application.

We have not heard from the office after the \$65 fee has been withdrawn and we believed that our letter exposing the reasons for the delay was accepted, therefore the fee acceptance means that our application is being analyzed.

Getting no reply from the Office, after the fee has been withdrawn, it is only after we phoned the Office that we were told that our application has been abandoned.

Given the facts described above and that we acted in good will, please reevaluate the letters and documents submitted to the Office. It is our hope that our application will be sent for examination.

Respectfully,
Marian Gavrila





UNITED STATES PATENT AND TRADEMARK OFFICE

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COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

Marian Gavrila
535 Burleigh Private
Ottawa ON K1J 1J9 CA CANADA

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APR 19 2006

OFFICE OF PETITIONS

In re Application of :
Gavrila et al. :
Application No. 10/727,584 :
Filed: December 5, 2003 : DECISION ON
For: HYBRID COMMUNICATION : PETITION
TERMINAL - ALARM SYSTEM :
:

This is a decision in response to the Petition to Revive the application under 37 CFR 1.137(b).

This Petition is hereby dismissed.

Any further petition to revive the above-identified application must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)". This is **not** final agency action within the meaning of 5 U.S.C. § 704.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Provisional Application (hereinafter "Notice"), mailed March 8, 2004. The Notice required the signature of inventor Gavrila on the oath or declaration, and a late filing fee surcharge. The Notice set a two (2) month period for reply from the mail date of the Notice, and also provided for extensions of time under 37 CFR 1.136(a).

Applicant filed a reply on November 15, 2004; however, the reply was incomplete because Applicant failed to include the late filing fee surcharge.

Applicant was notified that the reply was incomplete in a Notice of Incomplete Reply (Nonprovisional), mailed December 1, 2004.

Applicant was also informed that the period of reply remains as set forth in the Notice.

On January 11, 2005, Applicant submitted the late filing fee surcharge.

A Notice of Abandonment was mailed October 27, 2005.

The December 20, 2005 petition

Applicant filed a petition on December 20, 2005 to withdraw the holding of abandonment of the application. The petition was dismissed in a Decision mailed February 8, 2006, for failing to meet the requirements of a grantable petition under 37 CFR 1.181(a).

The instant petition

Applicant files the instant petition to revive the application. Applicant filed the oath or declaration and an explanation on November 11, 2004. A review of the oath or declaration reveals that it fails to comply with 37 CFR 1.63.

37 CFR § 1.63 Oath or declaration requires:

- (a) An oath or declaration filed under § 1.51(b)(2) as a part of a nonprovisional application must:
 - (1) Be executed, i.e., signed, in accordance with either § 1.66 or § 1.68. There is no minimum age for a person to be qualified to sign, but the person must be competent to sign, i.e., understand the document that the person is signing;
 - (2) Identify each inventor by full name, including the family name, and at least one given name without abbreviation together with any other given name or initial;
 - (3) Identify the country of citizenship of each inventor; and
 - (4) State that the person making the oath or declaration believes the named inventor or inventors to be the original and first inventor or inventors of the subject matter which is claimed and for which a patent is sought.

- (b) In addition to meeting the requirements of paragraph (a) of this section, the oath or declaration must also:

- (1) Identify the application to which it is directed;
- (2) State that the person making the oath or declaration has reviewed and understands the contents of the application, including the claims, as amended by any amendment specifically referred to in the oath or declaration; and
- (3) State that the person making the oath or declaration acknowledges the duty to disclose to the Office all information known to the person to be material to patentability as defined in § 1.56.

Applicant has failed to satisfy 37 CFR § 1.63(b)(2).

An oath or declaration in compliance with 37 CFR § 1.63 is required.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Commissioner for Patents
 PO Box 1450
 Alexandria, VA 22313-1450

By FAX: (571) 273-8300
 Attn: Office of Petitions

By hand: Customer Service Window
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.


Derek L. Woods
Attorney
Office of Petitions